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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK MCCLEARY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. C 04-04851 JSW

ORDER OF DISMISSAL

Pursuant to the Order issued by Magistrate Judge James dated December 23, 2005, setting forth the terms of the Settlement in this matter, the Court HEREBY ORDERS that this matter shall be dismissed. This dismissal shall in no way prejudice either party's right to seek to enforce the terms of the Settlement Agreement as set forth in Magistrate Judge James Order.

The Clerk is directed to close the file.

IT IS SO ORDERED.

Dated: January 3, 2006


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE